

W A Fairhurst & Partners Staff Pension Fund
&
W A Fairhurst & Partners 1997 Retirement Plan

Guide for members and other users to the internal dispute resolution procedure

If you have cause to complain about your treatment under the W A Fairhurst & Partners Staff Pension Fund or the W A Fairhurst & Partners 1997 Retirement Plan (“the Schemes”), please first raise it informally with Rhona McNeil, Payroll and Costing Manager, Fairhurst 300 Bath Street, Glasgow G2 4JR (the Finance Department). Everything possible will be done to resolve the matter. If, however, your complaint cannot be resolved informally, you may be able to use our formal internal dispute resolution procedure which has been set up to deal with such complaints.

Am I entitled to use the procedure?

You may use the procedure if you are:-

- a member of the either of the schemes; or
- an employee who will be eligible to join the schemes in future (a prospective member); or
- the widow, widower or dependant of a deceased member; or
- anyone who was in such a category within the last six months; or
- anyone who thinks they should be in one of the above categories

What can be complained about?

The trustees are charged with the responsibility for the funding of the schemes and your complaint must concern a matter for which they are responsible. You cannot use the procedure for a complaint against your employer (even if the disagreement is about the schemes e.g. whether or not certain earnings are pensionable). Neither can you use the procedure to make a complaint that has already been started in a court or industrial tribunal or is being formally investigated by the Pensions Ombudsman.

Who do I complain to?

Ron Bryson, Chair of Trustees, has been appointed as the person who will consider and give a decision on complaints. You should therefore address your complaint to Ron Bryson who can be contacted at Fairhurst 43 George Street, Edinburgh EH2 2HT 0131 225 6741.

You will normally receive an acknowledgement of receipt of your complaint within five working days. If you do not receive an acknowledgement within ten working days you should contact Alistair Scott, Secretary to the Trustees, W A Fairhurst & Partners Staff Pension Fund, 300 Bath Street, Glasgow G2 4JR.

How do I use the procedure?

Your complaint must be put in writing to Ron Bryson, Chair of Trustees, and must include certain information. A form for this purpose is attached but if you wish to give these details in some other form you may do so. The information required is as follows:-

- if you are a member or a prospective member you must give your full name, address, date of birth and your national insurance number. You must also provide details of the matter complained of and why you are aggrieved.

- if you are a widow, widower or a surviving dependant of a deceased member you must give your full name, address and date of birth together with the deceased member's full name, address, date of birth and national insurance number and details of your relationship to the deceased member. Again, you must provide details of the matter complained of and why you are aggrieved.

Can I nominate a representative to complain on my behalf?

If you prefer you can choose someone such as a friend, relative, trade union representative or lawyer to make or continue your complain on your behalf. Ideally a letter of authorisation for the representative to act should be signed by you and forwarded with your complaint.

Where a complaint is being made on your behalf your representative must give all the information as before (ensuring details relate to your category of member as explained below) plus the representative's own full name and address and state whether his address is to be used for sending correspondence/documents about your complaint.

Your application must be signed by you or on your behalf before it is submitted.

It is essential that your application is properly completed – an incomplete application will be returned.

How will I be notified of a decision?

Ron Bryson, Chair of Trustees, will usually acknowledge receipt of your application within five working days. If you have not received an acknowledgement you should contact Alistair Scott, Secretary to the Trustees, W A Fairhurst & Partners Staff Pension Fund, 300 Bath Street, Glasgow G2 4JR. Ron Bryson will usually inform you of his decision in writing within two months of receiving your written complaint. If a decision cannot be reached within two months you will be told immediately the reasons for the delay and when you can expect the decision.

What will the decision say?

Ron Bryson will give his decision in writing. He will also refer to any legislation and any provisions in the scheme rules which he relied upon in reaching his decision: and tell you what you can do if you are still satisfied. The decision will be sent to you at the address given on your application, and also to the person (if any) acting on your behalf.

What if I am not satisfied?

You have up to six months from the date of Ron Bryson's decision to you to appeal against it. If you do so the trustees as a whole will consider your complaint.

How do I appeal to the trustees?

You must write to the trustees within six months of the date of the initial decision, providing the same information as before (the details will depend on what category you are or claim to be as explained above, except that you do not have to repeat in the application a statement of the original complaint).

Your application must also include:-

- a copy of the decision;
- a statement as to why you are not satisfied with the decision;
- a request for the trustees to reconsider your application.

You must also ensure that your application is signed by you or on your behalf before it is submitted.

What will the trustees' decision say?

Alistair Scott, Secretary to the Trustees, will usually acknowledge receipt of your application within five working days. If you have not received an acknowledgement within ten working days you should contact Rhona McNeil, Payroll and Costing Manager, Fairhurst 300 Bath Street, Glasgow G2 4JR.

As with the initial decision you will usually receive a written decision within two months of the date the trustees receive your application. If a decision cannot be reached within two months you will be told immediately the reasons for the delay and when you can expect the decision.

The trustees will give their decision and explain whether and if so to what extent it differs from the initial decision. It will also refer to any legislation or provision in the scheme rules on which they relied in reaching their decision; and tell you what you can do if you are still not satisfied.

Can I appeal against the trustees' decision?

If you are still not satisfied you can refer your complaint to the Occupational Pensions Advisory Service or the Pensions Ombudsman.

What if I die before my complaint is resolved or I become incapable of acting for myself?

If you die before your complaint is resolved your legal personal representative can continue with your complaint.

If you become incapable of acting for yourself, or are a minor, your complaint may be made or continued by a suitable person e.g. a member of your family.

Please give full details of the complaint.

(an explanation should also be given as to when and how the problem came to light, who has been asked to put it right and what answers were given and what loss if any has been suffered)

Please enclose copies of any relevant papers which may help in understanding and resolving the problem. Any items that are enclosed should be listed here.

Signature of person with complaint

Date

Signature of representative (if any)

Date